

is encouraged to carry out this title and the amendments made by this title in coordination with States, including by—

- (1) sharing resources and providing technical advice to States regarding net-zero buildings and carbon reducing technologies;
- (2) coordinating with multistate organizations on charging infrastructure technology, procurement, and strategic locations relating to zero-emission vehicles;
- (3) allowing State officials to participate in appropriate training opportunities; and
- (4) coordinating with States on renewable energy procurement benefitting a Federal facility and local communities.

SA 2578. Mr. WHITEHOUSE (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. —. PREVENTING INTERNATIONAL CYBERCRIME.

(a) PREDICATE OFFENSES.—Part I of title 18, United States Code, is amended—

(1) in section 1956(c)(7)(D)—

(A) by striking “or section 2339D” and inserting “section 2339D”; and

(B) by striking “of this title, section 46502” and inserting “, or section 2512 (relating to the manufacture, distribution, possession, and advertising of wire, oral, or electronic communication intercepting devices) of this title, section 46502”; and

(2) in section 1961(1), by inserting “section 1030 (relating to fraud and related activity in connection with computers) if the act indictable under section 1030 is felonious,” before “section 1084”.

(b) FORFEITURE.—

(1) IN GENERAL.—Section 2513 of title 18, United States Code, is amended to read as follows:

“§2513. Confiscation of wire, oral, or electronic communication intercepting devices and other property

“(a) IN GENERAL.—The court, in imposing a sentence on any person convicted of a violation of section 2511 or 2512, or convicted of conspiracy to violate section 2511 or 2512, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person forfeit to the United States—

“(1) such person’s interest in any property, real or personal, that was used or intended to be used to commit or to facilitate the commission of a violation of section 2511 or 2512; and

“(2) any property, real or personal, constituting or derived from any gross proceeds, or any property traceable to such property, that such person obtained or retained directly or indirectly as a result of a violation of section 2511 or 2512.

“(b) FORFEITURE PROCEDURES.—Pursuant to section 2461(c) of title 28, the procedures of section 413 of the Controlled Substances Act (21 U.S.C. 853), other than subsection (d) thereof, shall apply to criminal forfeitures under this section.”.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 119 is amended by striking the item relating to section 2513 and inserting the following:

“2513. Confiscation of wire, oral, or electronic communication intercepting devices and other property.”.

(c) SHUTTING DOWN BOTNETS.—

(1) AMENDMENT.—Section 1345 of title 18, United States Code, is amended—

(A) in the heading, by inserting “**and abuse**” after “**fraud**”;

(B) in subsection (a)—

(i) in paragraph (1)—

(I) in subparagraph (B), by striking “or” at the end;

(II) in subparagraph (C), by inserting “or” after the semicolon; and

(III) by inserting after subparagraph (C) the following:

“(D) violating or about to violate section 1030(a)(5) of this title where such conduct has caused or would cause damage (as defined in section 1030) without authorization to 100 or more protected computers (as defined in section 1030) during any 1-year period, including by—

“(i) impairing the availability or integrity of the protected computers without authorization; or

“(ii) installing or maintaining control over malicious software on the protected computers that, without authorization, has caused or would cause damage to the protected computers;” and

(ii) in paragraph (2), in the matter preceding subparagraph (A), by inserting “, a violation described in subsection (a)(1)(D),” before “or a Federal”; and

(C) by adding at the end the following:

“(c) A restraining order, prohibition, or other action by a court described in subsection (b), if issued in circumstances described in subsection (a)(1)(D), may, upon application of the Attorney General—

“(1) specify that no cause of action shall lie in any court against a person for complying with the restraining order, prohibition, or other action by a court; and

“(2) provide that the United States shall pay to such person a fee for reimbursement for such costs as are reasonably necessary and which have been directly incurred in complying with the restraining order, prohibition, or other action by a court.”.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 63 of title 18, United States Code, is amended by striking the item relating to section 1345 and inserting the following:

“1345. Injunctions against fraud and abuse.”.

(1) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by inserting after section 1030 the following:

“§ 1030A. Aggravated damage to computers used to operate or access critical systems and assets

“(a) OFFENSE.—It shall be unlawful, during and in relation to a felony violation of section 1030, to knowingly cause or attempt to cause damage to a computer used to operate or access critical systems and assets, if such damage results in (or, in the case of an attempted offense, would, if completed, have resulted in) the substantial impairment—

“(1) of the operation of the computer; or

“(2) of the critical systems and assets associated with such computer.

“(b) PENALTY.—Any person who violates subsection (a) shall, in addition to the term of punishment provided for the felony violation of section 1030, be fined under this title, imprisoned for not more than 20 years, or both.

“(c) PROHIBITION ON PROBATION.—Notwithstanding any other provision of law, a court shall not place any person convicted of a violation of this section on probation;

“(d) DEFINITIONS.—In this section—

“(1) the terms ‘computer’ and ‘damage’ have the meanings given the terms in section 1030; and

“(2) the term ‘critical systems and assets’ means systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have catastrophic regional or national effects on public health or safety, economic security, or national security, including voter registration databases, voting machines, and other communications systems that manage the election process or report and display results on behalf of State and local governments.”.

(2) TABLE OF SECTIONS.—The table of sections for chapter 47 of title 18, United States Code, is amended by inserting after the item relating to section 1030 the following:

“1030A. Aggravated damage to computers used to operate or access critical systems and assets.”.

(e) STOPPING DEALING IN BOTNETS; FORFEITURE.—Section 1030 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (7), by adding “or” at the end; and

(B) by inserting after paragraph (7) the following:

“(8) intentionally deals in the means of access to a protected computer, if—

“(A) the dealer knows or has reason to know the protected computer has been damaged in a manner prohibited by this section; and

“(B) the promise or agreement to pay for the means of access is made by, or on behalf of, a person the dealer knows or has reason to know intends to use the means of access to—

“(i) damage a protected computer in a manner prohibited by this section; or

“(ii) violate section 1037 or 1343;”;

(2) in subsection (c)(3)—

(A) in subparagraph (A), by striking “(a)(4) or (a)(7)” and inserting “(a)(4), (a)(7), or (a)(8)”; and

(B) in subparagraph (B), by striking “(a)(4), or (a)(7)” and inserting “(a)(4), (a)(7), or (a)(8)”; and

(3) in subsection (e)—

(A) in paragraph (13), by striking “and” at the end;

(B) in paragraph (14), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(15) the term ‘deal’ means transfer, or otherwise dispose of, to another as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value.”;

(4) in subsection (g), in the first sentence, by inserting “, except for a violation of subsection (a)(8),” after “of this section”; and

(5) by striking subsection (i) and inserting the following:

“(i) CRIMINAL FORFEITURE.—

“(1) IN GENERAL.—The court, in imposing a sentence on any person convicted of a violation of this section, or convicted of conspiracy to violate this section, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person forfeit to the United States—

“(A) such person’s interest in any property, real or personal, that was used or intended to be used to commit or to facilitate the commission of such violation; and

“(B) any property, real or personal, constituting or derived from any gross proceeds, or any property traceable to such property, that such person obtained, directly or indirectly, as a result of such violation.

“(2) APPLICABLE PROVISIONS.—The criminal forfeiture of property under this subsection,

including any seizure and disposition of the property, and any related judicial proceeding, shall be governed by the procedures of section 413 of the Controlled Substances Act (21 U.S.C. 853), except subsection (d) of that section.”.

SA 2579. Mr. PADILLA (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 63, line 17, strike “and”.

On page 65, line 24, strike the period at the end and insert “; and”.

On page 65, after line 24, insert the following:

(4) by adding at the end the following:

“(h) IMPOSITION OF DEADLINE.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may not require any project funded under this section to advance to the construction obligation stage before the date that is the last day of the sixth fiscal year after the later of—

“(A) the date on which the Governor declared the emergency, as described in subsection (d)(1)(A); and

“(B) the date on which the President declared the emergency to be a major disaster, as described in that subsection.

“(2) EXTENSION OF DEADLINE.—If the Secretary imposes a deadline for advancement to the construction obligation stage pursuant to paragraph (1), the Secretary may—

“(A) on the request of the Governor of the State, issue an extension of not more than 1 year to complete the advancement; and

“(B) issue additional extensions after the expiration of any extension, if the Secretary determines the Governor of the State has provided suitable justification to warrant such an extension.”.

On page 1266, strike lines 4 and 5 and insert the following:

has insurance required under State law for all structures related to the grant application.

“(g) IMPOSITION OF DEADLINE.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may not require any project funded pursuant to this section to advance to the construction obligation stage before the date that is the last day of the sixth fiscal year after the later of—

“(A) the date on which the Governor declared the emergency, as described in subsection (a)(1); or

“(B) the date on which the President declared the emergency to be a major disaster, as described in that subsection.

“(2) EXTENSION OF DEADLINE.—If the Secretary imposes a deadline for advancement to the construction obligation stage pursuant to paragraph (1), the Secretary may—

“(A) on the request of the Governor of the State, issue an extension of not more than 1 year to complete the advancement, and

“(B) issue additional extensions after the expiration of any extension, if the Secretary determines the Governor of the State has provided suitable justification to warrant such an extension.”.

SA 2580. Mr. PADILLA submitted an amendment intended to be proposed to

amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 50, lines 20 and 21, strike “(32), (33), (34), (35), and (36)” and insert “(33), (34), (35), (36), and (37)”.

On page 52, strike lines 7 through 9 and insert the following:

natural disasters.”;

(5) by inserting after paragraph (31) (as so redesignated) the following:

“(32) TRANSPORTATION DEMAND MANAGEMENT.—The term ‘transportation demand management’ means the use of strategies to inform and encourage travelers to maximize the efficiency of a transportation system, leading to improved mobility, reduced congestion, and lower vehicle emissions, including strategies that use planning, programs, policies, marketing, communications, incentives, pricing, data, and technology.”; and

(6) in subparagraph (A) of paragraph (33) (as

On page 126, line 17, strike “or”.

On page 127, strike line 3 and insert the following:

a national ambient air quality standard; or

“(12) if the project or program shifts traffic demand through the use of transportation demand management strategies.”;

On page 242, line 22, strike “and”.

On page 242, between lines 23 and 24, insert the following:

(iv) travel demand impacts from State and local transportation demand management strategies; and

On page 341, line 17, strike “and”.

On page 341, strike line 21 and insert the following:

nonpeak periods; and

“(E) transportation demand management strategies.

SA 2581. Mr. PADILLA (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 1253, strike line 23 and insert the following:

(1) in subsection (a)(1)—

(A) by striking “means a State” and inserting the following: “means—

“(A) a State”;

(B) by striking “Government; or” and inserting “Government; or”;

(C) by adding at the end the following:

“(B) a State or local governmental entity that operates a public transportation service and receives and administers Federal transit program grant funds for both rural and urban areas.”;

(2) in subsection (c)—

On page 1254, line 23, strike “(2)” and insert “(3)”.

SA 2582. Mr. CRUZ submitted an amendment intended to be proposed to

amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 2486, line 12, insert “*Provided further*, That in allocating funds under the previous proviso, the Secretary of the Army shall prioritize ship channel deepening projects:” after “(32):”.

SA 2583. Mr. DAINES submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII of division D, add the following:

SEC. 408. TREATMENT OF CERTAIN LAND AND RESOURCE MANAGEMENT PLANS AND LAND USE PLANS.

(a) NATIONAL FOREST SYSTEM LAND AND RESOURCE MANAGEMENT PLAN.—Section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604) is amended by adding at the end the following:

“(n) COMPLETED FEDERAL ACTION.—A land and resource management plan for a unit of the National Forest System approved, amended, or revised under this section shall not—

“(1) be considered to be a continuing Federal agency action; or

“(2) constitute a discretionary Federal involvement or control for a distinct Federal purpose.”.

(b) BUREAU OF LAND MANAGEMENT LAND USE PLANS.—Section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) is amended by adding at the end the following:

“(g) COMPLETED FEDERAL ACTION.—A land management plan approved, amended, or revised under this section shall not—

“(1) be considered to be a continuing Federal agency action; or

“(2) constitute a discretionary Federal involvement or control for a distinct Federal purpose.”.

SA 2584. Mr. CORNYN (for himself and Mr. PADILLA) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division I, insert the following: